



STATE OF INDIANA
HOUSE OF REPRESENTATIVES
THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

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COMMITTEES:
Judiciary, Chairman
Rules and Legislative Procedures, Vice Chair
Elections and Apportionment
Employment, Labor & Pensions
Committee on Joint Rules

April 23, 2019

To: House Committee on Ethics
Re: Request for Ethics Committee Opinion

Dear Chairwoman Negele, Vice-Chair Errington and Committee Members:

Per my earlier conversation with Reps Negele and Errington, I write to request an opinion from the Ethics Committee.

Last year, the company that I am employed by, Near North Title Group (fka Hamilton Title), was asked to do title insurance and closing services for Spectacle Entertainment's purchase of the casinos in Gary. At the time, I was not aware that Spectacle would be asking for legislation to move a license to Gary, etc. When I learned a few months later about the proposed legislative changes, I met with my CEO and requested that the Spectacle transaction not be included in my commission calculation in any way. I chose to forgo this rather than disenfranchise 65,000 voters by abstaining. I have no ownership interest in the company and will not personally benefiting financially from the transaction.

Nevertheless, given some of the news stories over the past couple of days, I thought it would be in the best interest of the institution for me to request a formal opinion from the Ethics Committee.

Please let me know if this generates any questions.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Jerry Torr", is written over a light blue horizontal line.

Jerry Torr
House District 39



STATE OF INDIANA
HOUSE OF REPRESENTATIVES

Statehouse, Room 3-8
200 West Washington Street
INDIANAPOLIS, INDIANA 46204

Statutory Committee On Ethics

April 23, 2019

The Honorable Jerry Torr
State Representative, District 39
200 West Washington Street
Indianapolis, Indiana 46204

Dear Representative Torr,

Thank you for your letter requesting an advisory opinion concerning your participation in discussions and votes relating specifically to legislation involving gaming matters and the casino in Gary. We appreciate you bringing the matter to our attention.

House Rule 45, states that "[E]very member who is on the floor of the House when the question is put shall vote, unless excused by the House for special reasons."

House Rule 169, states that "[A] member who knowingly has a direct personal or pecuniary interest in a legislative matter is precluded from authoring, sponsoring, or voting on the matter and should avoid public or private advocacy in furtherance of their own self-interest...".

House Rule 1, provides that "*direct personal or pecuniary interest*" means the disposition of the legislative matter could reasonably be expected to have a unique, direct, and substantial effect on the non-legislative income of the member, a member's close relative, as defined in IC 2-7-1-1.7, or a partnership, corporation, or business in which the member or a close relative holds an ownership interest.

House Rule 168, states that "Every member of the House of Representative shall, to the best of his or her ability, be fully objective when considering a proposition upon which he or she must act, keeping the welfare and best interests of the citizens of the state in mind at all times. Every member shall, to the best of his or her ability, conduct official duties in a manner that avoids the appearance of impropriety and bolsters public trust."

It is important to note that the starting point for all reviews, by the House Statutory Committee on Ethics ("Committee"), involving a member's ability to vote or not vote on a matter begins with House Rule 45, Duty to Vote, and evolves from there based on the particular facts of each inquiry.

With respect to your employer providing title insurance and providing closing services to Spectacle Entertainment for the purchase of casinos in Gary, the Committee finds no conflict of interest exists in violation of House Rule 169 and House Rule 1 based on the facts you have presented, a review of the legislation in question, and the House rules. House Rule 168 discusses the appearance of impropriety and should be considered when you vote.

The Honorable Jerry Torr
April 23, 2019
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Representative Sharon Negele,
Chairwoman



Representative Sue Errington,
Vice Chairwoman



Representative Karen Engleman,
Member



Representative Matt Pierce,
Member



Representative Greg Steuerwald,
Member



Representative Terri Austin,
Member

cc: Speaker Brian C. Bosma
Minority Leader Phil GiaQuinta